

W Z
100
B366t
1855

TRIAL AND CONVICTION OF MR. STEPHEN
T. BRADY

Surgeon General's Office

LIBRARY

Section,

No. 1895

DUE TWO WEEKS FROM LAST DATE

JUN 25 1954

JUL 23 1954

TRIAL AND CONVICTION
OF
DR. STEPHEN T. BEALE;

WITH THE
LETTERS OF
CHIEF JUSTICE LEWIS, AND JUDGES BLACK AND WOODWARD,
ON HIS CASE.

INTERESTING ETHER CASES,

AND
LETTERS OF
PROF. GIBSON, PROF. WILTBANK, WM. BADGER, Esq.,
W. L. HIRST, Esq., REV. ALBERT BARNES,
DR. HENRY A. BOARDMAN, &c.

18,958.

PHILADELPHIA:
T. K. COLLINS, JR., No. 8 NORTH SIXTH STREET.
1855.

WZ
100

B366t
1855

ENTERED according to Act of Congress, in the year 1855, by
T. K. COLLINS, JR.,
in the Clerk's Office of the Clerk of the District Court of the United States in and for
the Eastern District of Pennsylvania.

TRIAL AND CONVICTION

OF

DR. STEPHEN T. BEALE.

THE history of this case, if it shall ever be faithfully and *fully* presented to the public, will be regarded, in many respects, as one of the most remarkable on record. All that is proposed in this publication is to sketch its outline, and lay before the community some of the influences and appliances which were so potential in consigning this man to prison and in still keeping him there.

The crime alleged against him is one of the gravest and of the most atrocious character. The only witness to prove the charge was Miss Narcissa Mudge, and all her suspicions, impressions, and convictions, were received while she was in a state of etherization. What influence the testimony of such a witness, *uncorroborated in a single point*, should have produced upon the minds of the jury who had this case in charge, will best appear by the perusal of three letters from Chief Justice Lewis, and Judges Woodward and Black, of the Supreme Court, which will be found in the subsequent pages.

It is due to the young woman, who has occupied so prominent a position in this unhappy affair, to say, that if she had first consulted her mother after the *supposed* outrage had been perpetrated upon her, the disgusting disclosures, which have crimsoned every cheek with shame, would probably never have been made. But, unfortunately, she fell into the hands of those whose zeal outstripped their discretion, and who were more anxious to *punish* an aggravated offence than to possess themselves of undoubted evidence that the offence *had been committed*. Their counsels, unhappily, were followed. That they were honest, it is right to believe, but that they were woefully mistaken, none but themselves have any doubt.

The testimony given by the young woman in Court, is designedly omitted. Every body knows what it is, and we shall not pander to depraved appetites by *reproducing* what would have been infinitely better for all parties if it had been from the first suppressed.

THE ACCUSED.

The principal sufferer in the strange drama which has been enacted, is a man some forty years of age, who commenced life under all those adverse circumstances induced by poverty and the want of patronage and influential friends. He had nothing on which to rely but the blessing of heaven, and

his own unsullied character, modest deportment, untiring industry, and manly energy. With the aid of these, he pressed steadily forward, meeting and surmounting formidable obstacles, till he graduated at one of our first Medical Schools, and obtained a prominent standing as one of our first and most successful dentists. For the last ten years he was what the world would call a prosperous and a happy man. Skill, and strict attention to his business, enlarged his sphere of operations, and secured to him a wide circle of friends and profitable customers. An interesting young family shared his anxious solicitude and affectionate regard. His aged parents were kindly cared for, and the wants of their declining years liberally and cheerfully supplied. To things moral, spiritual, and divine, he gave due heed. He was a consistent member of a Christian church, a Sabbath-school teacher, and a warm and zealous friend of the great Temperance reform.

COURT PROCEEDINGS.

When the grave charge was preferred against him, the community were surprised and shocked. He was among the last men who would have been suspected of such a dreadful atrocity. His entire character, his habits, and all his antecedents seemed to forbid the thought that he was capable of such an outrage. His trial took place in October last, before the Court of Quarter Sessions, Hon. Oswald Thompson presiding. The public interest in the case was universal and intense. Every step of its progress was watched with unusual solicitude. The accused occupied a seat by his counsel, Messrs. Brown and Mitchell, and throughout the entire investigation demeaned himself with great propriety and self-possession.

One feature in this case exceedingly damaging to Dr. B. must not pass unnoticed. Mr. Reed proposed to adduce proof of acts of *attempted* atrocity by him similar to that charged in the indictment. Judge Thompson ruled out the evidence as inadmissible. But the mischief was accomplished by the *offer made*. It was whispered about that awful disclosures were prevented *merely* by a technicality of the law, and that if the accused was not convicted it would result from the suppression, by the ruling of the Court, of the proof of his guilt. It is easy to see what influence this exerted in hastening the doom of this unhappy man. It would have been vastly better for him if his counsel and the Court had waived the illegality of the offer made and thrown the door wide open to every rumor and every story that could have been trumped up against him. Dr. Beale, at the time, earnestly desired his counsel to adopt this course, so confident was he of his ability to clear himself of the imputations thus indirectly made against him.

The insufficiency of the testimony on the part of the Commonwealth is well stated by James C. Van Dyke, Esq., District Attorney for the United States, in a letter to Gov. Bigler, urging the pardon of Dr. B. He says: "No legal principle is better established than that, before any inquiry can be made of the guilt or innocence of any person charged with crime, the government should establish, beyond reasonable doubt, that a crime has been committed by some one. This fact should be established by the best testimony of which the nature of the case will admit. Thus, in an indictment for homicide, the evidence of a drunken or insane man should never be conclusive; nay, should be regarded as of little or no weight at all, upon the question whether any one has been really killed, when it was in the power of the Commonwealth to produce better testimony of the fact, such as the evidence of the dead body, the funeral, those who attended thereat, &c.

The same principle applies in cases of rape. The evidence of the prosecutrix, unsupported by strong collateral circumstances, is at all times looked upon with suspicion. How much more so ought it to be, when that very prosecutrix confesses herself, in some degree at least, not to have been a free agent, either mentally or physically! Under such circumstances, I take it to have been the duty of the Commonwealth to have produced that better testimony of which the case was most palpably susceptible, which testimony could easily have been obtained by the opinion of one or more physicians. Such testimony would have set at rest the doubt upon one point at least, to wit: the '*corpus delicti*.' Not having done this, the case was left to the mind of every reflecting and reasonable man in extreme doubt whether *any* crime had in reality been committed by any one."

At length the testimony closed, and George M. Wharton, Esq., who was associated with the District Attorney, addressed the jury in behalf of the Commonwealth. It is due to Mr. Wharton to say, that his speech was fair, able, argumentative, and touched skilfully upon the main points relied upon for conviction. We have but a single criticism on Mr. Wharton's address to the jury. It was not, according to our way of thinking, in perfect keeping with established propriety and professional etiquette in a prosecuting officer, for him to close his speech with a solemn asseveration that he believed the accused guilty of the crime charged against him. There was no *argument* in this declaration, but something infinitely worse, to wit: an *influence* derived from his character and standing, to bias and forestall the minds of the jury in the verdict they were to render.

Mr. Brown, in behalf of Dr. Beale, was about to address the jury, when a painful event, the sudden death of a brother of one of the jurors, gave an unexpected direction to the case, and doubtless went very far to decide it adversely to the accused. Mr. Brown offered to submit the case without argument, under the charge of the Court, and thus the more speedily to relieve the juror, who was placed in most trying circumstances. The District Attorney, Mr. Reed, acceded to the offer, as well he might, after the main points on which he relied had been so fully and ably discussed by Mr. Wharton. The charge of Judge Thompson, by this unexpected turn, was not as full and elaborate as it would have been, if the case had progressed to the usual termination. But the Judge acquitted himself with ability, and supplied, so far as he was able, those obvious deficiencies induced by the unexpected, abrupt close of the proceedings. His allusion to Dr. Webster in his charge, for the purpose of showing that the high character which Dr. Beale had established before the Court, was not to have too much weight, was, to say the least, exceedingly unfortunate in its bearing upon the accused. That it was unintentional, we have no doubt, but its influence upon the verdict was soon manifest.

VERDICT OF THE JURY.

The jury were out some two hours and a half or three hours, during which time a *portion* of them had a season of rare jollification, singing merry songs, and regaling themselves on choice wine, and came into Court with a verdict of guilty, *and a recommendation to mercy*. The verdict was received with general surprise; but, coupled as it was with a recommendation to mercy, increased the wonderment of the people. What! what! was heard in all quarters; a man guilty of one of the most heinous offences on the calendar of crime, *recommended to mercy*? What did the jury mean? Did they look

upon the crime charged as a venial offence, which should be lightly regarded and lightly punished? The matter was soon explained by the statements of one or more of the jurors. *It was a compromise verdict.* Those who would not convict the accused, were induced to unite in a verdict of guilty, *provided* the rest would agree to a recommendation for mercy.

Recommendations to mercy frequently accompany verdicts when persons are convicted of heinous crimes, but *only* when there were some circumstances connected with the commission of the crime, that mitigated the criminality of the offender, but for which the stern justice of the law furnished no remedy but the mercy of the Court. Thus: a murderer aroused by the blindness of jealousy, or maddened by the fierce fire of rum, may be found guilty, and recommended to mercy. Not so in this case. There is nothing to excuse, nothing to palliate guilt. If Dr. Beale was guilty at all, *he was all guilty*; guilty of a predetermined crime of calculating perfidy, that scarcely has an equal in the annals of sin.

Dr. Beale was severely censured in certain quarters for his animadversion, in his address to the Court, upon the conduct of a portion of the jury. But he expressed only what the community, to a wide extent, felt. It was *proved* before the Court that a portion of this jury indulged in the use of brandy, wine, and ale, to a degree far from being decent and decorous. They evinced the "moving of the spirit in them" by no doubtful signs. No duty is more weighty and solemn, than that imposed upon jurymen, having in charge the liberty and the lives of their fellow citizens. If ever men need to have clear heads, an unbiassed judgment, and entire freedom from the pernicious effects of intoxicating drinks, it is when they are called upon to sift and weigh testimony involving the dearest interests of those who are obliged to appeal to "God and their country" for protection and deliverance. No censure is too severe to be meted out to men who will indulge their guzzling propensities in such circumstances. They deserve the indignant frown of every decent man in the community. The Hon. Judge, Allison, did himself great credit in making a public announcement to the officers of his Court, soon after the event to which we have referred, that he should hold them strictly accountable if ardent spirits were thereafter furnished to jurymen while on duty.

NEW TRIAL ASKED FOR.

As soon as the verdict was rendered, Mr. Brown gave notice that he should apply for a new trial, and file reasons according to the usual custom. Judge Thompson fixed upon an early day for hearing the argument, giving notice that he should invite Judges Kelly and Allison to sit with him, and assist in the proper adjudication of the case. The day the case was argued, the dense mass in the Court-room indicated how deep an interest was felt in the community. The argument occupied some ten or eleven hours on different days, by Messrs. Brown and Reed. At its close the Court intimated that their decision would be given as soon as they should find time to consider the various points urged upon their attention. Nearly four weeks passed before their decision was given, and when it was, to the deep disappointment and regret of thousands of our best citizens, it was adverse to a new trial. Here, as we think, the Court made a mistake. The case was a novel and an extraordinary one. The Hon. Judge Woodward, in his letter to Gov. Bigler, dated Jan. 7th, 1855, urging the pardon of Dr. Beale, says:

"The questions presented, both of law and science, were novel, and worthy, it seems to me, of more thorough investigation than they received. For these

reasons, I have been forced to think the conviction of Dr. Beale, and the refusal of a new trial, were ill-advised—a harsh measure of justice.”

No claims of justice or of duty, so far as we can see, forbid this man the favor he so earnestly craved. A new trial should have been granted, as nearly all intelligent men will admit. It was most unfortunate that it was denied. The effect was not, as might have been anticipated, to calm and tranquillize the public mind, but to rouse it to a higher and deeper intensity. The feeling was very strong and wide-spread, that an injured and an innocent man was to be sent to prison. With such scores of rascals parading our streets, who go “unwhipped of justice,” the condition of Dr. Beale excited an unusual sympathy. It was thought not necessary to incarcerate a man whose good antecedents and good character *helped* on his conviction, instead of securing for him a more favorable consideration by a portion of the jury.

PRISONER BROUGHT INTO COURT.

On Tuesday, the 28th of November, he was brought into Court, to receive his sentence. Every available space was occupied by those attracted by curiosity or deep sympathy, to witness the scene. Dr. Beale appeared to great advantage in the awful circumstances in which he was placed. His faithful wife, with an agonized, bursting heart, was by him, sharing his sorrows, and comforting him in his distress. He asked, through his counsel, the privilege of reading the following address, before sentence was passed. Every eye was fixed upon him, and every ear strained to catch every word he uttered. It was a scene of deep, thrilling, and painful interest. It would have been painful if he had been *proved* to be guilty. As it was, it was agonizing in the extreme. There were but few present who did not evince, by eyes suffused with tears, their sympathy for the man who was to be torn from his pleasant home, and from the protection of his cherished wife, and eight young, helpless children.

ADDRESS TO THE COURT.

“I am aware that the declarations and the solemn asseverations of a man placed in the circumstances in which I stand before this Court, have but little weight upon the public mind. At the same time I am constrained to give utterance to the truth, however cautiously or sceptically it may be received. It will, in some measure, assuage the anguish of my hours of confinement to remember that I protested my innocence of the dreadful crime of which a jury have convicted me. This I now do, in the most decisive and solemn manner, appealing to the searcher of all hearts, my Maker, and my final Judge, to witness what I say. I never contemplated its commission. I never attempted it. My whole soul revolts at the suggestion. I had feelings towards my accuser, somewhat like those of a parent towards a child. She had grown up under my notice, and on many occasions had received my professional services and attentions. It was a strange hallucination that led her to suspect me of crime, and it was nearly as strange that she should have made the charge against me: a charge which, once made, would be likely to be persisted in, whatever her subsequent convictions might be. There were those, I am sorry to say, who stood by her, counselling her to make confirmation doubly strong, by the solemnity of an oath, instead of cautiously and anxiously inquiring whether she might not have taken *impressions for facts*, the vagaries of the imagination for the ravishment of her person. Once committed on that side, the motives were powerful to make out their case. They rejoice in their success. They have torn an innocent man from a cherished and heart-broken wife, and eight helpless children—from aged parents, who so much need his care and

solace, who have almost reached the graves to which they *now* are rapidly hastening with sorrow—deep sorrow. I say they have torn an innocent man from all these loved ones, who depend entirely on him for their comfort and support, and made him a prisoner—a prisoner, I say, not a felon. Paul was often a prisoner, but never a felon. It will mitigate the sorrow and anguish of my imprisonment that I am not a felon, and no verdict of any jury *can make* me so. The power and the right to assert my innocence, my Maker gave me, and in asserting it I need not ask the privilege of any earthly tribunal.

“A word in regard to the dark, mysterious hour unaccounted for (from ten to eleven o’clock), on which so much stress has been laid. Why is it unaccounted for? Because my lips were closed, as if the seal of death was upon them, and now they are unsealed. I need only refer to Miss Mudge’s own statement, and candid, intelligent men can decide whether the representations, so positively made on this point, are true or false. It should be borne in mind, that the time, though called an hour, was but three-quarters of an hour; for, according to the evidence given in Court, the workmen were at the operating-room door every few minutes, from quarter before eleven to the time Miss Mudge left the house.

“Miss Mudge’s evidence on this point is this: ‘I went to Dr. Beale’s about ten o’clock; I went into the front parlor, and in a few minutes Dr. Beale came in and said he was not quite ready; he had some ladies in his office. In about ten or fifteen minutes after this he came down with some ladies, and saw them out of the door; I then went up into the operating room, took my bonnet off, and took a seat in the operating chair; Dr. Beale washed his hands, and inquired after my health, and the health of our family; he then handed me a book and said he would have to go and see one of his workmen; he left the room; I do not know how long he was gone; when he came back, he began to operate on my tooth to prepare it for plugging; it was very painful, and he proposed to put something in it to remove the soreness; I declined having it, and preferred taking ether, and he gave me ether.’

“From this statement of Miss Mudge, in which she appears perfectly honest, every thinking mind must see that the time in question was wholly gone before she began to take ether; and yet her counsel, Mr. Wharton, wishing to make out his case, passed by all this, and said ‘the outrage, if committed at all, must have been committed in this time.’ I believe if the question had been asked Miss Mudge, what time she began to take ether, she would have said about 11 o’clock.”

“Miss Mudge said I handed her a book, and left the operating room. I did so, and was absent from the room about ten or twelve minutes, and after I returned, I worked on her teeth about twenty minutes, before she began to take ether, and while she was under the influence of it, I finished the preparation of one tooth for plugging, and cut into the pulp or nerve of another tooth, which made it bleed; this cut appeared to give her pain. I immediately told her I must take this tooth out; she asked, why? I said, I cannot save it alive, and it had better be out. She said, give me more ether, then. I did so, and took it out. It appears Miss Mudge did not know that I finished the preparation of one tooth for plugging, while she was under the influence of ether, and that I cut the nerve of the other, and yet she thinks she knew everything that transpired in the room. Her mind was engaged with thoughts and things of which she has told us, and, I suppose, honestly, but which never transpired. There was a delusion, and for me, a fatal one.

“As to a new trial, which I earnestly sought, and which the Court have seen fit to deny me, I must be permitted to say a word. It would have given me unspeakable joy if the application had been granted. Were there any strong or insuperable objections? If I am guilty, as charged, justice would as certainly have been meted out to me. If guilty, the verdict of another jury would probably have been at least an *untainted* verdict. Is it so now? I respectfully submit to the Court, *is it so now?*”

“Some of the facts connected with the deliberations of that jury have been made public. I leave the public to judge what sort of a jury it was, who, within half an hour of coming into Court, to convict a man of an infamous crime,

could have a menagerie exhibition, some of them braying like an ass, and roaring like a lion, singing the song of the 'Landlady of France,' with the 'Good Brandy, oh!' and other bacchanalian songs equally indecorous and unbecoming. But it is said there was no undue excitement from liquor in all this.

"Those who urge this in behalf of this jury, do them great unkindness. It is infinitely better for their reputation to admit that they were disguised with liquor, than to allow that they had such unfeeling, savage natures, as to frolic, and play the jackass and the lion, in the very hour that they were to render a verdict, which was to consign a father to a prison, and to blight and blast the happiness of an innocent wife and eight children, and hurry his aged parents in sorrow to the grave. Deeply as I have been wronged by the verdict of the jury, I must say to their credit, if credit it is, that I do not believe that they could so grossly outrage propriety and common decency, if it had not been for accursed rum.

"But there are facts in my possession which the technicality of the law would not allow to be made public. They are such as these: besides the four bottles of wine used at dinner on Friday, an hour or two before the verdict was rendered, this jury had a brandy bottle in their room filled up three or four times. Besides this they rung their bell on *several occasions*, and called the landlord to their door, opened it to him, and ordered glasses of brandy, and also of ale. If I am shut up in a cell, there are those in this community who *can* and *will* substantiate these facts if they are denied.

"Even the offer of my able and learned counsel—who had the most perfect confidence in his case, as well as in my innocence—after a speech of more than two hours had been made against me—to submit the case without argument, in view of an afflictive providence by which a brother of one of the jurors was suddenly and in a moment struck down by death—I say even the offer to submit the case without argument, was used to my disadvantage, and hastened my conviction.

"A juror, immediately after the rendering of the verdict, said, in the hearing of numbers, 'Davy' (alluding to Mr. Brown) 'was like the boy that wet the bed, he had nothing to say.'

"Another juror, *before he had heard a word of my defence*, said of me—'D—n him, he is a guilty fellow, we'll sweeten him.' If the forms of law made it improper for the Court to hear these facts, an enlightened community shall hear them, and judge *what sort of a jury* rendered a verdict against me.

"One thing more I have to say, and I know they will heartily join me in this, to wit, if any one of them shall ever be accused of crime, I hope they will have a fairer, more sober, and more moral set of men to judge of their case than I had.

"I speak not of them all; there were two or three honorable exceptions, and my only regret is, that they had not the firmness to stand by their convictions in spite of ribald songs and all the other appliances to hasten my doom.

"And how were my clerical witnesses, who kindly rallied round me in my extremity, spoken of by one or more of the jurors? In this profane and awful manner: 'G—d d—n the divines! they are as bad as he is.' This fact is derived from one of the jury.

"The District Attorney will pardon me in a passing allusion to the course he has seen fit to pursue. Was it altogether necessary to press upon me, with all the weight of his character and influence, to exert himself to the utmost to prevent the Court from granting me a new trial? Was there any danger that I should escape.

"I have one request to make of the District Attorney. It is this: that when he lies down at night, surrounded by his family and all the comforts of home, he will remember there is one husband and father lying in a cell on a pallet of straw, torn from the wife of his bosom and the children of his love, heaving bitter sighs, starting from his unquiet slumbers by the fancied call of his loved ones, and that husband and father is as innocent of the crime for which he is incarcerated as Mr. Reed himself.

"And when he comes around his well spread board, and greets the smiling, happy faces of his wife and children, I want him to remember that there is one husband and father taking his coarse and scanty fare on the wooden trencher of

a prison, with no wife to cheer his dreary solitude, and no children to comfort their heart-stricken and sorrowful father. And when he goes to the sanctuary on the Sabbath, I want him to think of a husband and father in prison, who never boasted of going to 'fifty churches,' but who did feel it a privilege to go with his family to the church of his choice, and there, in a quiet and humble manner, to learn those lessons of heavenly wisdom, which are almost his only support and solace now.

"I will add no more, except to reiterate before God and man my innocence of the charge alleged against me."

SENTENCE BY THE COURT.

At the close of Dr. Beale's address, Judge Thompson proceeded to the discharge of his painful duty, and sentenced him to a confinement of four years and six months in the Moyamensing prison, saying to him, "If you are innocent, it may be one of those trials your Heavenly Father, for some wise purpose, has sent upon you, and I trust that you will be able to bear it with that fortitude which the Christianity you profess is calculated to bestow." This was cold comfort after the *refusal* of a new trial, which would, to a moral certainty, have resulted in a prompt and honorable acquittal.

Poor man! he had a conscious, confiding trust in Providence, but he could not but regret that the Court, the appointed *instrument* of Providence to interpose between the stern demands of the law and the verdict of a song-singing, fun-loving, menagerie-playing jury, had not seen fit to accord to him his importunate request in granting him a new trial under more favorable auspices to establish his innocence. It is well to commend a man to the care and compassion of Providence; but to do this while a *human instrumentality* adequate for his relief is not employed, is not adapted to soothe the sorrows of one about to be shut up within the walls of a prison.

He stood firmly, but submissively erect, while the sentence was passed, exhibiting little emotion except what was indicated by an occasional tear which he wiped from his manly cheek.

He was accompanied to prison by his faithful wife, who, when the prison doors were closed upon him, returned with an agonized heart to her desolate home, to bear as she was best able, her accumulated and crushing sorrows.

MEASURES FOR RELIEF.

Immediate measures were adopted by many of our most respected, influential citizens to present the case of Dr. Beale to the consideration of Gov. Bigler, and implore of him the interposition of executive clemency. Petitions, signed by judges and lawyers, clergymen and physicians, dentists, merchants, mechanics, and men of all professions and occupations, amounting to six or seven thousand names, in the aggregate, were forwarded, praying for the instant liberation of Dr. Beale. Besides those sent from Philadelphia, large numbers were forwarded from other quarters, from the interior of the State, from Baltimore and from New York. Never, perhaps, was there such a simultaneous and general movement, without consultation and without concert, for the relief of an adjudged convict. Many persons volunteered their services to circulate petitions. The influential and controlling motive was a deep conviction on the public mind that an *innocent man* had been "cloven down by a combination of untoward circumstances," which he could neither foresee nor prevent. Mrs. Beale, about this time, published the following card, which did very much to increase the interest, and to direct public attention to this remarkable case.

A CARD.

It is with the utmost diffidence that I appear in this manner before the public. For my own sake I would not do it; I would bear my sorrow and anguish in silence, rather than obtrude myself upon the gaze of a selfish, censorious world. But I owe duties to others, which I must not shrink from discharging, whatever may be the cost to my own feelings.

I have eight young, helpless children, practically made orphans by the recent painful events with which the public are familiar. I have a husband, dear to me as my own life, shut up in the cell of a prison, for an *alleged* crime, which *I am just as well satisfied he never committed*, as I can be of any event which has not transpired under my personal observation. If I believed him guilty I would suffer in silence, and sorrow and shame, and let justice take its course. I have the feelings of a woman, and would *resent, like a woman*, an indignity upon my honor, and an outrage upon my rights. But nothing of this kind has occurred. My husband has been cloven down by a combination of untoward circumstances, which human wisdom could not foresee, nor human care prevent. I *know* what he is in domestic life, in the bosom of his family, and in the circle of his friends; I think I know the purity of his life, and the integrity of his heart.

His sorrows and his wrongs have made him dearer to me than ever. I will share his sorrows with a loving, sympathizing heart, however fiercely the storm may beat upon him. He is my husband, the father of my children, *and has ever been to me all that a wife and a mother could wish or desire*. Under these circumstances, it is easy to see that I cannot rest till my loved one is restored to the circle to which he has always imparted joy and gladness.

Will not a benevolent, sympathizing community aid me in this effort? This is the object of this earnest appeal. *I ask not for money*, but for what is to me, in my circumstances, of more value than the gold of Ophir, *a kind co-operation in securing the interposition of Executive clemency*. This, now, is my only resort. Petitions for a pardon, already numerous, signed, are in circulation. Will not every husband and father confer upon me the great favor of giving his signature? A kind and prompt response to this earnest appeal will lighten the sorrow and the bitter anguish of a once united and happy family, but now stricken down, desolated, and made to drink the cup of wormwood and gall.

LOUISE B. BEALE.

PHILADELPHIA, Nov. 29, 1854.

VIEWS OF DRS. HARTSHORN AND STILLÉ.

The *Medical Examiner* contained two articles, unusually able, lucid, and convincing, from Drs. Hartshorn and Stillé, on the scientific aspect of the case, which had a surprising influence in correcting erroneous impressions, and in settling the case *on its true merits* in the public mind. The following brief extracts are specimens of the manner in which these gentlemen disposed of the testimony against Dr. Beale:—

“To return to Miss Mudge. The operation on her teeth, whatever it might be, was painful—this leads to a consultation, a determination to resort to either—another long or short delay, and the administration of the vapor from a napkin. Sooner or later she feels dizzy, cold and numb; her eyes are closed; she continues breathing the ether and the symptoms ‘grow upon her.’ The mysterious spell is deeply working, yet she does not lose her ‘consciousness of what is doing.’ She is aware that he is taking liberties which would rouse any woman in her senses, yet she makes no effort to unclothe her eyes, and is incapable of outcry or resistance! Here we must pause, already past the threshold of the second and crowning scene of this wretched drama. At first dizzy, cold and numb, she has become powerless, voiceless, sightless, and yet she feels the slightest touch, perceives a breath, hears every footfall and even suffers pain,

one throe of which receives the worst interpretation. This is one case of a thousand—a miracle of sense and nonsense, even for that juice of Oberon's flower, the wondrous ether."

Again: "we find nothing in the evidence, or on record, or in our own experience, that will justify us in the admission, that she, or any one, had ever been so *helpless* under the influence of ether, and yet *entirely* aware of what was going on."

One paragraph more from the pen of Dr. Hartshorn:—

"Much has been said about 'that hour.' Can she really remember nothing of the second period of time, be it long or short, but what is contained in her rudimentary sketch? The outlines are deep and broad, perhaps, but they seem dimly and dismally far apart. We mean no indelicate allusions. We feel the most earnest desire to spare the feelings of all parties, and of none more than the unfortunate subject of these comments. We wish to believe her free from soil, and if we strike rudely at the ill-stained slough that has been thrown around her purity of fame, it is but to destroy its every trace."

Dr. Stillé says—

"If an accusation of rape is one 'easily made and hard to be refuted,' this is particularly the case under the circumstances referred to, and it may at any time be successfully made against the purest and best men in the community."

Dr. Stillé mentions several facts, showing the strange illusions to which persons are subject in a state of etherization. We have space only for the following:—

"After an operation performed upon the forehead of Mr. T——, a dentist, of this city, he said that although his eyes were shut, he saw every cut of the knife. He saw the shape of the wound upon the forehead; and what was better than all, this cutting appeared to him to be done upon somebody else. A lady dreamed that she was at Cape May, and was going into the surf, and that while in the water, she was attacked by a shark, which held her fast, but without pain, until the company present extracted his teeth and liberated her. A little girl, the extraction of whose tooth made a report like the drawing of a cork, sprang out of the chair, crouched upon the floor, and looked up, anxiously inquiring if anybody was killed? She supposed she was travelling upon a locomotive engine, which had been blown up and thrown her into the air. A boy fancied himself in a cotton-mill;—an Irish woman dreamed that she had been home, and seen her friends engaged in spinning, and others dreamed that they were in railway cars, or shipwrecked. A young man having been sufficiently etherized, the dentist prepared to extract a tooth. In a moment he dashed the instrument from his mouth, *left the chair*, and striding about the room demanded what they meant to do with him. In a few moments the effect of the ether passed off. Being again put under its influence, the same scene was enacted with even greater violence, and he endeavored to jump out of the window. When he regained his memory, he related that he imagined himself surrounded by a great number of enemies, one of whom endeavored to drive a nail into his mouth, and, being unable to struggle with him, he had sought safety in flight."

The January No. of the American Journal of Dental Science, edited by Chapin A. Harris, M. D., contains an article on the case of Dr. Beale worthy of universal perusal. We introduce the following brief extracts:—

"The first thing we have to say, is to call attention to the well known rule of evidence; the greater the antecedent improbability of any declared fact, the more direct, positive and indubitable must be the testimony by which such a fact is proposed to be established. Thus, if a man entrusted with money were to say that he was knocked down and robbed in broad daylight, in the crowded thoroughfare of a great city, he could only save his credit for veracity and honesty by bringing the most irrefragable proof of the truth of his asser-

tion. A jury of madmen or idiots might believe his individual oath, but we doubt if twelve men, possessed of the average allowance of common sense, could be found to make up their minds upon such testimony.

"Now let us look at the antecedent improbability in the case before us. A man of family, living on good terms with his wife, of standing in society, and dependent upon that standing for his livelihood, is charged with having committed a rape upon a young girl. There is nothing peculiar about the circumstances to rouse the passions of this man; on the contrary, he has known her from her childhood. She is a familiar acquaintance. She has not dazzled him with any sudden beauty, but seems to have been a commonplace girl, surrounded by very prosaic circumstances. . . . Now how is this man, to whom his character represents so many dollars and cents in hard cash, accused of having acted? Why, of having made a public appointment to meet her in a public place in broad daylight, in his own house, in a room overlooked from all quarters, open to his own domestics, habitually resorted to by his workmen, at an hour when he was likely to be disturbed by other visitors, under circumstances in every way unfavorable to the purpose he designed to accomplish. . . . And now for the physical improbability. Look at the dentist's chair; we write for dentists; and tell us what sort of facilities does it afford for a rape? Dr. Parmly saw the *identical chair and stool*, and has published it as his deliberate opinion that such an act there was not improbable, but impossible."

[The conviction on the mind of Dr. Parmly corresponds entirely with that of Dr. Van Dyke, Dr. Patriek, and two or three other gentlemen who went to Dr. Beale's house, and with Miss Mudge's testimony before them, examined the premises, the operating chair, &c. They said, *What can't be, hasn't been, and that's the end of the matter.*]

According to her own confession she made no outcry, and did *not try to make one*—does not know whether she had the power to make one, but *she did scream after the second dose of ether, when her tooth was pulled*. This is a *very remarkable statement*, and ought to have been carefully weighed by the jury. . . . We find it impossible to believe Miss Mudge's statement; first, because her own conduct after the affair is totally inconsistent with the story she tells. Secondly, we disbelieve her statement, because it is inconsistent with itself. Thirdly, we disbelieve her, because she was not in a condition to know positively the facts to which she swears. There are no collateral circumstances to corroborate Miss Mudge's statement, and hence, in the nature of the case, we cannot see that *there is any evidence at all*."

Numerous facts relating to the influence of ether were transmitted to Gov. Bigler from different and distant parts of the country. We present in this connection a few of the statements. In a letter from Dr. McGuire, Winchester, Va., dated Nov. 5th, he says:—

"But yesterday I amputated a man's finger whilst the ether was given him. He became very unmanageable, requiring the assistance of several students to control him. After the operation, he expressed great surprise and displeasure that I 'struck him.' Upon repeated protestation on my part that I did not, confirmed by many witnesses, he seemed to yield, but again to-day reaffirmed it. It seemed to remain on his mind with all the clearness of a real event."

Dr. J. W. Hazlet, in a letter dated New York, December 2d, says:—

"The lady at last slept, and I removed her decayed tooth. When she awoke, she evidently had a semi-consciousness of the dream under which she acted, as she seemed very much reassured on finding that a lady was present. I have no doubt that, had there not fortunately been a witness present, I should have been in the position of Dr. Beale, a victim to a dream."

This lady had the impression that she had been violated.

Dr. D. D. Dickinson, in a letter dated Boston, Dec. 4, says:—

"After recovering a little from the effects of the chloroform, the patient arose from the chair, and, calling her sister, walked to a distant part of the room, where they held a long conversation. They then came back towards my operating room, the sister laughing and saying, she would 'tell the doctor all about it.' She then related to me that her sister, while under the influence of the ether, fancied that I was taking some gross liberties with her person, and it was only after repeated assurances from her sister that she stood by us every instant of time, and that nothing of the kind took place, that she could be convinced that she had not been grossly insulted."

Dr. F. Z. Crane, in a letter dated Easton, Pa., Dec. 5th, says:—

"I have been a practising dentist in this place for nearly twenty years past, and have occasionally administered both ether and chloroform to patients ever since the discovery of their anæsthetic effects upon the system, and am so well convinced from my own experience that no dependence ought to be placed upon testimony given as to circumstances which occurred while under their effects, that I think Dr. S. T. Beale a fair subject for executive clemency, and hope it may be exercised in his behalf.

"I will merely add, that I do not write this at the instance of any one, being entirely unacquainted with any of the parties concerned, but do it from a sense of duty."

Letter from Alexander Hare, 222 Sixth Avenue, New York, Dec. 5th:—

"I have taken ether to have teeth extracted. The second time I experienced no illusion whatever, but the first time I was certain the doctor and his student were plotting my murder, or at least that they had actually robbed me of my watch. I was *sure* of this, as I *saw* and *felt* the doctor take the watch out of my pocket, and then go behind me with a knife to cut my throat. My niece was in the room with me. When the operation commenced, I was sure they had persuaded her to leave the room to accomplish their designs, as I looked to her seat where I had just seen her, and she was not there, at least to my vision. During this time I had a tooth extracted without knowing it. On recovering myself a little from the effects of ether, I felt for my watch—found it undisturbed, and saw my niece sitting where I saw her when the operation commenced. I asked her what she left the room for? She answered me that she had not stirred from her seat, and that nothing that I had supposed had taken place. Although my judgment and common sense assure me that I was laboring under a hallucination, yet to this day (seven years since) I cannot get rid of the impression which I am sure must have been just as distinct as the impression on the mind of Miss Mudge. I have read the whole trial, and I am fully satisfied that she was entirely deceived, and that Dr. Beale is an innocent man."

A San Francisco paper of Dec. 13th, contains the following:—

"The *Chronicle* mentions a case in this city, in which a lady took chloroform previous to undergoing an operation for a felon. On awaking from its effects she charged the doctor with taking vile liberties with her person. Fortunately another lady was present during the operation, who convinced her that the chloroform was the agent which had taken liberties with her imagination."

The Editor adds:—

"The case in which Dr. Beale, the Philadelphia dentist was convicted, may have been similar, but he unfortunately had no witness."

A lady patient sent the following to Dr. Asay, dated Philadelphia, December 5th:—

"The impression made upon my mind which I related to you before I left your office, is as fresh in my memory as it was then, and *seems as if it was a reality.*

"It appeared to me as though Dr. Webster had met me, or came across me somewhere, and tied my hands tight together, and also my feet; then took me by the shoulders and dragged me somewhere; I could not tell the name of the place. The ground I was dragged over seemed to me to be a raw clay, and appeared to be mixed with small stones. I tried to get away from Dr. Webster, who tied me and dragged me off, but I could not. I thought I called for somebody to help take me away from him, but nobody came. If my friend had not been with me I should have really thought that you had tied my hands and feet and dragged me about the room, but knowing she was with me and was there, and that Dr. Webster was dead, and I was there to get my tooth extracted, and as I knew she would not allow such a thing, I must be convinced it was a dream, though *it really seems to me as if it must be otherwise.*"

Dr. Ward, of Newark, N. J., in a letter dated Dec. 7th, says :

"A case in point recently occurred in my own experience. I poured a teaspoonful of chloroform upon a white cambric handkerchief, and for about three minutes applied it to his mouth and nose. Insensibility was the immediate consequence, but after the lapse of five minutes he recovered, and declared himself completely exhausted, from a chase of *half-a-mile*, that he supposed I had given him. I could not convince him that I had not driven him down the basement stairs, out of the area door, down the street, around several blocks, keeping close at his side the whole way.

"I called his attention to the fact that he was not dressed, and, therefore, it was absurd; but he could not be persuaded, and during the rest of the illness, and *since his entire recovery*, he has persisted in believing that this race was absolutely taken. I think it not unlikely that he would swear to it before a Court of justice to-day, notwithstanding my assurances, if closely questioned."

Dr. Wm. H. Chandler, in a letter dated Thompson, Windham Co., Conn., Dec. 5th, says :

"Some time since, Dr. Flagg, dentist, of Providence, R. I., administered chloroform to a female, and performed an operation upon her teeth, in the *presence of another female*. After the operation was finished, and the effects of the chloroform passed off, the female who had been operated upon, at once, and in the presence of her friend, charged the Dr. with having outraged her person; but the accidental presence of a third person prevented a Mudge case from coming on to the carpet."

Dr. A. T. Smith, in a letter dated Syracuse, Dec. 18th, says :

"I have administered ether and chloroform, perhaps, *twenty-five hundred* times, and among so many cases I would naturally have almost every grade of conduct; some very lascivious, and others corresponding, in a degree, to the case of Miss Mudge. Nearly the first that I administered ether to was one of this character, and *that* one led me to have either friends or assistants immediately with me, in order to prevent such an occurrence, either honestly in their minds, or from a maliciousness of purpose."

Dr. E. R. Crouch, in a letter dated New York, Dec. 9th, says :

"I am partly the cause of Dr. Beale's misfortune, having been, in connection with Mr. Williamson, of Leicester, England, one of the first to introduce chloroform into dental practice.

"The following cases I took note of, and from them I hope you will draw the same inference which I have done, to wit: that the *subjects are unconscious of what is taking place during the time they may be under the influence of chloroform*. These are the cases: William Turner, of the Bank of England, Leicester, had a stump extracted, and was under the idea that he was passing an entry at the Custom House, and was brought to a stand by the Collector of Customs refusing his gold as being light. He then thought he was shooting goats on the mountains in Westmoreland, and said he seemed to have lived a month while under the operation. He was not conscious of pain.

"Henry Gregory, of the Bank of England, Leicester, had a molar extracted; was weaving all the time—his hands had the motion of a weaver throwing the shuttle; not conscious of pain.

"Thomas Spooner, Solicitor, had three stumps taken out; was shooting rabbits, and remembered things which he had forgotten; not conscious of pain. Miss Spooner, his sister, of Port Madoc, Wales, had fourteen stumps taken out; was in delightful meadows gathering flowers, and was so happy that she regretted being brought to; not conscious of pain.

"These facts I wish to bring to the notice of your Excellency, thinking that the unsupported evidence of Miss Mudge, of what took place while she was under the influence of ether, ought not to be taken as truth. If Miss Mudge will allow me to administer ether to her in your Excellency's presence, and will inform me of anything which took place during her unconsciousness, I should be willing to take Dr. Beale's place."

DR. F. A. VAN DYKE'S VIEWS.

From an able paper, prepared by Dr. F. A. Van Dyke, of this city, and laid before Gov. Bigler, we present the following extract. The Doctor says: "My opinion is, that Miss Mudge was laboring under 'illusory sensation.' She herself sunk in the chair, throwing back her head, as is very usual with patients in the dental chair, and probably at the same time changing the position of her feet, and the adjustment of her clothes, and in the confused, dreamy state of etherization in which she then was, the pain occurring from the preliminary action of the monthly discharge, increased by etheric stimulation, her morbidly excited perception converted into that occasioned by the *supposed* atrocity committed by Dr. B., who, standing by her side, operating upon her tooth, threw his breath upon her face. This version is sustained by the subsequent actions of Miss M. She declares herself conscious of the occurrences around her; she hears Dr. B. at the wash stand; she opens her eyes, and looks down on her person; sees her clothes raised, and without replacing her garments, or rising from the chair to rebuke Dr. B. for his foul outrage, she closes her eyes lest he should be aware that she had seen her position; and when he informs her that one tooth of the two must be extracted, asks for more ether; and when the tooth is extracted, screams with the pain. She could not resist; she could not make outcry when the violation of her person is being perpetrated; an act creative of a moral shock equal, surely, to the physical shock of the extraction of a tooth; and yet in the one instance she screams, and in the other she is quiet and silent.

"Again. With the consciousness of the occurrences alluded to, continued, she exhibits, after the etherization has in a great measure passed away, no appearance of distress to Mrs. P.; prefers no complaint against Dr. B.; but, on the contrary, makes a new appointment with him for farther dental operations; spends a full hour in promenade of the streets; visits an ice-cream saloon, and her dress maker; walks with a gentleman some pavements, evincing to no one any remarkable expression of distress or mental suffering; makes no examination of her person or clothes for confirmation of her impression, that her person had been outraged; she feels no soreness, or difficulty in walking, and suffers several hours to pass before she gives utterance to her tale of wrongs. Neither Miss Mudge, nor any other person, examined her clothes till the Sunday afternoon following the Friday's visit to the dentist. Her person *at no time* was examined.* The testimony of Miss M., as to the outrage, is left with-

* [It should be stated that Dr. Beale and his counsel, immediately on the charge being preferred against him, urged that Dr. Huston, the family physician, and Dr. J. K. Mitchell, should institute an examination, that, by this means, the falseness of the charge might be made manifest. This was declined. Another overture was made, that Dr. Huston and *any* physician he might choose to select, should do this thing. This, too, was declined. Finally, it was proposed that Dr. Huston *alone* should do it, but it *never was done*; and Dr. Beale was sent to prison on the *uncorroborated* testimony of a witness, no more fit to testify, as Judge Woodward says, "than if she had been dead drunk," or, as Judge Black says, "than if she had been at the antipodes."]

out any of the corroborations to be derived from inspection of person and clothes, speedily after the alleged atrocity, laid down in all approved authors in medical jurisprudence, as essential to the completion of testimony in cases of rape.

"This conduct, continued through a period of several hours, is totally at variance with the course that would have been natural under the circumstance of an actual defloration of a virgin girl, conscious of her condition, and cannot be accounted for upon any known principles of human actions. The whole impression of an outrage of her person, was an illusion, the result of an imagination and perception, bewildered and clouded by etherization, and of her approaching monthly period. This opinion is supported by hundreds of recorded cases of etherization, wherein illusions equally decided have been induced by the administration of ether." (See the vol. on Ether, &c., by J. F. Flagg.)

PUBLIC JOURNALS.

The *Boston Medical and Surgical Journal*, and the *Medical and Surgical Journal* of this city, edited by Dr. James Bryan, contained able articles which exerted great influence in removing the false impressions upon a portion of the public mind in regard to Dr. Beale. Almost every medical journal throughout the country took his side. The newspaper press also rendered valuable service in vindicating this injured, and innocent man. Among those most conspicuous in this work, justice requires the mention of the *New York Times*, *Boston Times*, *New York Evening Mirror*, *Daily Savannah Georgian*, *Saturday Courier*, *Saturday Evening Mail*, *Pittsburg Dispatch*, *Miner's Journal*, one or more of the Baltimore papers, *The Wisconsin Daily Reporter*, *Evening Bulletin*, and the *Lancaster Saturday Express*. The dentists of New York and Baltimore held public meetings to express their sympathy for Dr. Beale, and to show the utter insufficiency and *unreliability* of the evidence on which he was convicted. The dentists of Philadelphia evinced their interest in the case by an earnest application for executive clemency.

INTERESTING AND IMPORTANT LETTERS.

Numerous pressing letters were addressed to Governor Bigler, imploring his instant interposition. A few of the most important are introduced in this place. The first is from the Hon. Ellis Lewis, Chief Justice of the Supreme Court.

WEST PENN SQUARE, PHIL'A, December 21, 1854.

HIS EXCELLENCY GOV. BIGLER:—

DEAR SIR: I have examined the testimony of the lady who gave evidence against Dr. Beale. It appears from her own statement that, when the act complained of is supposed by her to have been perpetrated by the Doctor, she was so much under the influence of ether that she could neither *see*, nor *cry out*, nor *perceive by the sense of feeling*, that his person was in close contact with hers. Her only reason for believing him guilty is, that she *felt pain*, and *felt his breath*. The breath might have been felt in the course of necessary contiguity to her mouth, the place of his dental operations. The pain may have been produced by an infinite number of causes, in no way connected with any criminal act. A witness unable to *see*, or to *cry out*, or to *perceive* the personal contact absolutely necessary for such an act as she imagines took place on that occasion, and this incapacity produced by ether is, in my opinion, incompetent to narrate anything that occurs while she is in that state. She does not pretend to any actual knowledge that the crime was committed. She merely *infers* it from feeling his *breath* at one extremity, and *pain* at the other, *without the slightest perception of any personal contact between these two points*. Were it not

that the subject is a solemn and grave one, I would say that this is perfectly ridiculous. It is not such evidence as, in my opinion, justifies a conviction. But when, in addition to this, you take into view the fact that persons under the influence of ether are subject to delusions which are not removed when the cause ceases to operate, the case is, I think, a clear one against a conviction. The subsequent conduct of the lady in taking more ether after she knew that the outrage had been committed, in making no complaint to the lady in the operating room, in asking for another appointment, in desiring it to be booked, in taking the Doctor's advice to walk and not to ride—in spending the afternoon with her friends cheerfully and joyously, without mentioning the injury she had received until evening, lead me to believe that her impressions on the subject were vague and uncertain, such as she herself could not fully believe to be anything but delusions, until she finally came to the conclusion that they were realities. That she was in error, I really believe, and so believing, if I had the power which is reposed in the Executive, I would grant a pardon.

Very respectfully your friend,

ELLIS LEWIS.

JUDGE BLACK'S LETTER.

PHIL'A, December 28, 1854.

MY DEAR SIR: The case of Dr. Beale you will admit to be a most awfully hard one if he be not guilty. How are we to judge whether he is guilty or not except by the evidence given on the trial? The presumption undoubtedly is, that the conviction is right. That presumption is much strengthened by the high character of the able and upright Judge who presided at the trial. It is true, also, that the opposition made to the pardon by a prosecuting officer with the clear mind and honorable feelings of Mr. Reed, is entitled to great weight.

But is it not clear that the conviction was an error? An honest error, of course, but still an error. Think, for a moment. This man is convicted of an infamous and most atrocious crime, alleged to have been committed under circumstances which make it in the highest degree improbable. It becomes still more difficult to believe the accusation when we reflect on the conduct of both parties before and immediately afterwards. How is this overcome? All the improbabilities of the case might be met by the clear, direct testimony of a witness who *knows* the fact. But no such evidence was produced. The prosecution called a woman, who, at the time of the occurrence to which she testifies, could *know no more of what was going on than if she had been at the Antipodes*. There is no evidence, *at all*, unless we take that of a woman who swears to very little, and whose faculties of mind and body were totally suspended, when she supposes she saw or perceived the little she does swear to. When a conviction takes place without evidence, it is the duty of a Governor to rescue the victim immediately, from a punishment which is wrongfully inflicted.

I am, most truly, yours,

J. S. BLACK.

JUDGE WOODWARD'S LETTER.

PHIL'A, Jan. 7th, 1855.

TO HIS EX. GOV. BIGLER:—

DEAR SIR: I am called upon by the friends of Dr. Beale for a written expression of the opinion in reference to his case, which you drew out of me in conversation, a few weeks since. I had thought the question closed by your final determination not to pardon Dr. B., but I am assured you are now reconsidering the whole subject, and that you desire to hear from me by letter.

Without going over all the ground, and certainly without intending any reflection on the highly esteemed Judge who presided at the trial, I feel free to say that I never read or heard of a ravished virgin behaving after the fact, as Miss Mudge described herself to have acted. The offence is a grave one, easily charged, and difficult of defence, and for these reasons, the law, in its wisdom,

enjoins strict regard to be given to the conduct of the woman. It is her duty to cry out, or, if prevented, to make discovery of the offence presently after its perpetration. Now this lady, supposing her disabled by ether from giving the alarm at the instant of assault, had ample opportunity, even before she left the house, and still more after she left it, to make her wrongs known to persons of her own sex. Yet her conduct down to the evening of the day was that of a lady to whom nothing extraordinary had happened. I think no man, before Dr. Beale, was ever convicted of a rape on the testimony of a woman whose conduct *not only afforded no corroboration of the principal fact, but which was so inconsistent with it.*

Then, as to her capacity to detail what occurred while she was under the influence of the drug; I conceive it was no more trustworthy than that of a person dead drunk. Doubtless all sorts of visions pass through the brain of such a person, but was any citizen ever before convicted of rape on the unsupported testimony of such a witness? I think not.

The questions presented, both of law and science, were novel, and worthy, it seems to me, of more thorough investigation than they received. For these reasons, I have been forced to think the conviction of Dr. B., and the refusal of a new trial were ill-advised; a harsh measure of justice. But is there ground for Executive interposition? I think there is. The Governor is to see that the laws of the land are executed, not only in form, but in substance and reality. And if a citizen has been convicted of a high crime on a state of facts which the law has never recognized as sufficient to establish the charge, the only resource is in the pardoning power. Again, facts often occur, or are developed after conviction and judgment, which demonstrate with moral certainty the innocence of the accused. The Executive, proceeding on such facts, is *always* justifiable in pardoning. Now, in this case, I apprehend there have been such subsequent developments in reference to the influence of ether on the mental faculties, its tendency to excite impure passions, and to establish just such delusions as those which most likely deceived Miss Mudge, that you would be quite justifiable in granting a pardon.

On the following distinct grounds I would recommend that Dr. B. be pardoned: 1. That the amount of evidence required by law to convict of rape, was not submitted to the jury. 2. That the only witness to the principal fact was as completely disqualified to relate occurrences as if she had been drunk, and being uncorroborated by the usual legal tests, her testimony was inadequate for conviction. 3. The scientific discussions to which the case has given rise, demonstrate the insufficiency of the evidence, and the insecurity of human liberty if this case be permitted to stand as a precedent.

Thus, my dear sir, I have very briefly put on paper the substance of our conversation. I do not know the parties, and have no feeling in the matter except a desire that the law should be vindicated. The Court proceeded conscientiously in the lights before them; and all due respect is to be entertained for their judgment, but from all that is now before the public, I believe they erred, and you alone can correct the error.

Having no official responsibility in the case, I should have preferred not to express an opinion on it, but you are entitled to have, in this form, what I said in conversation, and therefore I communicate it.

Yours truly,

GEO. W. WOODWARD.

LETTER FROM REV. ALBERT BARNES.

PHIL'A, Dec. 1st, 1854.

To His Excellency Gov. BIGLER:—

SIR: Understanding that petitions are about to be presented to your Excellency, in behalf of Dr. Beale, of this city, now in prison, under sentence for a rape, I beg leave to add my name to those who pray that the sentence may be remitted.

The sole ground on which I do this is the probable innocence of Dr. Beale.

If there were sufficient and clear evidence of his guilt, the sentence of the Court would be, in my judgment, too mild, and nothing in his past character or in his present circumstances, would induce me to sign a petition for his discharge.

I have, indeed, no evidence in the case which is not before your Excellency in the report of the trial, but I may be permitted to ask your attention to two circumstances in the case, showing my own belief, and I think the belief of a large portion of the community, that the evidence was not such as to establish the proof of his guilt.

One is, that the condition of the only witness in the case, the female on whom the outrage is alleged to have been committed, was such, being under the influence of ether, as to make her testimony insufficient to convict a man of so high a crime, and that her own deportment, subsequently, showed that she had no real *consciousness* that such a crime had been committed on her person.

The other is the strong improbability that such an offence could have been committed, or would have been attempted, in the circumstances, in a place so public, and with no precaution on the part of Dr. Beale for concealment.

Under these circumstances, I beg leave to express my earnest conviction of the innocence of Dr. Beale, and my belief in common with that of a large portion of this community, that the interests of justice would not suffer if the sentence were remitted, and to pray that he may be discharged from this sentence, and restored to his family and the community.

With great respect,

ALBERT BARNES.

HON. WM. BIGLER.

Professor Willbank, of the Pennsylvania Medical College, in a letter to Gov. Bigler, dated Nov. 28, 1854, says:—

“Until this charge was brought against him, Dr. Beale always stood high in the estimation of our community. His character, both moral and professional, was beyond a reproach. He was extensively known, and, I believe, universally respected. Is it right, allow me to ask, to convict such a man of so heinous an offence and doom him and his family to infamy and ruin, upon the evidence of a single witness, and that witness in a state of unconsciousness?”

Extract of a letter from Wm. Gibson, M. D., Professor of Surgery in the University of Pennsylvania:—

PHIL'A, December, 1854.

HIS EX. GOV. BIGLER:—

DEAR SIR: At the request of a number of intelligent and influential gentlemen of the medical profession, the pulpit and the bar, I take the liberty of addressing you on the subject of Dr. Beale, convicted most unjustly, as I firmly and conscientiously believe, of a rape on Miss Mudge.

After a patient and untiring investigation of the case, without any prejudice against or in favor of either party, I have arrived at the conclusion that Dr. Beale is an *innocent* man, and that Miss Mudge, from beginning to end, has been laboring under mental illusion, the effect of the inebriating influence of anæsthetic agencies. I would add, that I was the first to employ ether in Philadelphia, and that for several years I have used it in private practice, and before hundreds of students in the operating theatre of the University, upon a vast number of patients young and old, male and female, with the most singular, varied, and delusive effects, but not in a single instance have I found the muscular power diminished or destroyed in one part, and remaining perfect in another. In other words, I have never known a patient to retain the muscular power of the *eyelids* and *lose that of the limbs*, as stated by Miss Mudge, upon the trial of Dr. Beale, to have been her case.

MR. WESTCOTT'S LETTER.

PHIL'A, Jan. 1st, 1855.

His Excellency Gov. BIGLER :—

MY DEAR SIR: It is generally believed in the community, that Dr. Beale is now, *or is to be pardoned*, and the notice published in the papers yesterday is generally credited. Your friends, therefore, have an opportunity of judging of the effect upon the public mind that his pardon would have, and I can assure you, so far as I have seen and heard, people think it right.

You know that, *originally*, I was of the opinion that he should not be pardoned for reasons that I explained to you, and that I have changed that opinion upon the most sincere conviction, I hope you will believe. I do believe *him innocent*, and am sure that he was convicted against all sound law and reason. I hope you will be able to arrive at the same conclusion, and gratify his friends and bring solace to his distressed and amiable family.

Very truly yours,

G. G. WESTCOTT.

His Ex. Gov. BIGLER.

LETTER OF WM. BADGER, ESQ.

PHIL'A, Jan. 13, 1855.

His Ex. Gov. BIGLER :—

SIR: At the request of some of the friends of Dr. Beale, I feel constrained to suggest some reflections on the subject of his application to you for a pardon.

The history of Dr. B.'s case I am familiar with, though with the man I have no acquaintance. I do not feel disposed to trouble your Excellency with my views as to the guilt or innocence of Dr. B. But I unhesitatingly say, that in view of all the circumstances connected with this extraordinary case, I would not have sentenced him upon the finding of the jury who tried him. It rests with you to say, whether, influenced by such or similar considerations, you will exercise the prerogative of mercy.

WM. BADGER.

LETTER OF W. L. HIRST, Esq.

PHIL'A, Dec. 21, 1854.

To his Excellency, Gov. BIGLER :—

DEAR SIR: This will be handed to you by Mrs. Beale, who visits you upon a mission of duty and affection. Since the sentence of Dr. B., I have turned a good deal of my attention to the evidence given in the case, and the state of public feeling upon the subject, and am of the opinion that it would be a judicious exercise of your constitutional power to grant a pardon. There is a general feeling that *perhaps* the offence was not committed; that *may be* the young lady at that particular time may have been under a delusion; in short, that it is totally wanting that firm belief of guilt which ought to accompany ever a conviction of such a man for a high crime.

Then there are views of a different character, varied on the probable theory of guilt, that the recommendation of the jury, the condition of the family, the suffering already of him and them, the ample vindication of the young lady, ought to operate promptly and immediately on your Excellency.

With great respect,

W. L. HIRST.

We next present an extract from an interesting, able letter to Gov. Bigler, dated Dec. 15th, from the Rev. Dr. Henry A. Boardman, of Philadelphia. Our limits will not permit the insertion of the letter entire. Dr. Boardman says :—

I have hesitated much whether I ought to write to you respecting the case of Dr. Beale. Perhaps my decision has been hastened by meeting his wife, yesterday (with whom I have no acquaintance), who, from being an unusually hearty and happy-looking woman, has become emaciated and desponding in her appearance to a degree which startled me.

I have seen none of the petitions which are said to be in circulation, nor has any one asked me to address you: I do it simply on the prompting of duty—duty less to Dr. Beale than to the community at large. . . . The position I lay down is this: that *if the principles which ruled this trial are to be sustained, no man's reputation or liberty in this State is safe.* Dr. B. was convicted on the testimony of a single witness, who was *under the influence of ether* at the time the imputed outrage, to which she testifies, took place. Not to advert to the inconsistencies in her own subsequent conduct, there was no *medical* examination of her person, no examination even by her own *mother*, nor was there a solitary witness to corroborate her statement. A very slight acquaintance with the effects of ether upon the human system, might seem sufficient to draw this testimony into discredit. In conversing, a few days since, on this subject with my physician, *Dr. Hodge*, whose reputation, as you know, belongs not to Philadelphia but to the *Union*, and whose excellence as a Christian is commensurate with his professional skill, he said to me, in the most emphatic terms, that he would not have believed Miss Mudge's testimony under oath, and that no *physician* was safe if men were to be convicted of crime on such authority as that. This, I am told, is the feeling also among the *Bar*. Waiving the question of Dr. B.'s guilt or innocence, the sentiment is that the verdict was not warranted by the *evidence*. . . .

RUMORS.

With such an array of influence, backed up by petitions bearing the signatures of six or seven thousand persons, many of them of the highest respectability and weight of character, the speedy release of Dr. B. was confidently anticipated. But there were stealthy and most corrupt efforts put forth to thwart the endeavors of the friends of virtue and of truth. Rumor, with her thousand lying tongues, was seen gadding about, mouth wide open, "scattering sharp arrows, with coals of juniper." She insinuated, slyly and darkly, that even if Dr. B. was innocent of the specific charge on which he was convicted, he was guilty of like offences, and had got no more than his just deserts. Dark hints, sly innuendoes, and a significant wink from Madam Rumor, did a thousand-fold more to crush this unhappy man than the testimony against him in Court. Sober, intelligent, fair-minded men were, for a time, in consequence of the rumors widely disseminated, biassed against the accused; but on the investigation of these rumors, they proved as "baseless as the fabric of a vision." There was nothing in them any more than in the testimony of Miss Mudge; and no intelligent man will think much of that after perusing the letters of Judges Lewis, Black, and Woodward. When it is known that Dr. Beale had administered ether *in more than twenty-five hundred instances*, it is not strange that half a dozen nervous girls should have got awful impressions of some undefinable, dreadful thing done to them while under its influence; especially, since the effects of this drug, in the language of Judge Woodward, upon "the mental faculties, its tendency to excite impure passions" and to induce strange delusions, have been so fully established.

We will mention two or three facts touching these rumors, and they are but a fair specimen of others. A man, professing to have some standing, wrote a letter to one of the Senators at Harrisburg, to be laid before Gov. Bigler, in which it is stated that Dr. B. had been guilty of a gross outrage upon a certain young lady, described. On investigating the charge, it appeared, from the statement of the young lady's mother and herself, that she

had *never met* Dr. Beale. The entire story, intended to influence the Governor to refuse a pardon, was a wicked fabrication. It did not contain a *single element* of truth. How any man could deliberately sit down and write a letter, the design of which was to keep a husband and a father in prison, *without taking the pains to inquire* whether his representations were true or false, is quite beyond our comprehension. It evinces a disregard of truth and honor and the claims of humanity which we would fain hope is not common.

A rumor, prejudicial to Dr. Beale, was to the effect that he manifested unbecoming attention to a young lady, the niece of his wife, frequently riding out with her, &c. Something of this kind was brought out in the testimony on the trial. On inquiring into this *important* matter, it appears that the young lady resided, during the summer season, a few miles from the city, and went back and forth daily in the discharge of her duties as a music teacher. Dr. Beale, coming into the city in his carriage, gave her a seat by his side, and in the evening conveyed her home. How much there was in all this, that is wrong and scandalous (and this was the *whole of his offending* in this matter), an enlightened public will judge.

Another rumor, deeply injurious to Dr. B., had respect to an *alleged* gross outrage *attempted* upon Mrs. —, while under the influence of ether. But when it is known that Mrs. Beale was in the *adjoining* room *at the time* this atrocity is said to have been attempted, that the door communicating was *unlocked*, and that Mrs. Beale opened it, called her husband to her to speak with him, and *saw this woman sitting in the operating-chair*, we leave this case to the judgment of the public without a word of comment.

Three letters now lie before us, from three ladies, who were *reported* to have made charges against Dr. B. The first is from a lady whom the commonwealth summoned on "*an anonymous communication*," to appear, and give testimony against the accused. The lady says:—

"I stated to Mr. Reed that I had taken ether repeatedly from Dr. Beale, and that I never saw aught but the most gentlemanly conduct in him. I felt great indignation to think my name had been thus used."

The lady who writes the second letter says:—

"I consider it my duty to say that there is not the least truth in the report. Neither myself nor any member of my family have been patients of Dr. Beale, nor have we any personal acquaintance with him."

The lady who writes the third letter says:—

"Having been informed that a report is in circulation, to the effect that Dr. Stephen T. Beale had acted in an improper manner towards me, I think it a mere matter of justice to say, there is not the least truth in the report. I have for eight years been acquainted with Dr. B. (he having acted professionally for me), and I always had, and still continue to have, the highest regard for him as a gentleman. In his conduct towards me he has been uniformly kind, as well as dignified, and I should consider him one of the last persons in the world likely to do an act such as he has been convicted of. I esteem him a deeply wronged man, and most sincerely trust he will very soon be liberated from the terrible evils which surround him."

The nature of the bitter hostility against Dr. B. will be understood by the statement of a single fact. A few days since, a man, whose *only* claim for standing and influence consists in his wealth, said, with an awful oath, if he *knew* Dr. Beale was entirely innocent, he would not ask for his release, *because* it would gratify the long-faced, villanous clergy. Poor Beale! His honest endeavor to be a decent, conscientious, reputable man, was made, *in certain quarters*, the motive to send him to prison, and to *keep* him there.

CORRESPONDENCE.

A letter, said to be in the hands of Wm. B. Reed, Esq., from Dr. Beale, containing admissions and confessions of guilt, had a powerful influence in prejudicing the minds of many. An earnest effort was made to *procure a copy*. Mr. Reed was applied to personally by Mr. Mitchell, one of Dr. B.'s counsel, for the favor of a copy. The request was refused; but Mr. M. was permitted to read the letter.

Mrs. Beale then addressed to Mr. Reed the following note:—

PHILA., Dec. 25th, 1854.

WM. B. REED, Esq.:—

SIR: You are doubtless aware that an application is now before the Governor, praying for the interposition of Executive clemency in behalf of my husband. A serious obstacle in immediately obtaining what I so earnestly crave, seems to be an impression, or a rumor, that you have facts in your possession, in regard to other cases than that of Miss Mudge, which indicate that he is a guilty man. Permit me respectfully to ask, is this true? If so, will you have the goodness to transmit to me the *names* and the *residences* of the persons who make these charges? I will, by the aid of friends, institute an immediate investigation, that the truth may be known.

I respectfully ask you, also, to give me a copy of the letter of my husband in your hands.

A messenger will call at your office to-morrow morning, at 9 o'clock, to receive your reply.

Respectfully,

LOUISA B. BEALE.

Mr. Reed returned the following answer:—

DISTRICT ATTORNEY'S OFFICE, PHILADELPHIA, Dec. 26th, 1854.

Mr. Reed has received Mrs. Beale's letter of yesterday. He cannot reconcile to his sense of duty to the public, to comply with her request, by either giving her the names of the witnesses, or a copy of the letter in his possession. The witnesses were in attendance on the trial, and, had they been sworn, would have been subject to public examination, and cross-examination in Court. Had the names been asked for then, they would have been given. They were not, and to furnish them now, would, in Mr. Reed's opinion, be uselessly to subject respectable females to annoyance and most irregular inquiry.

The letter, to which Mrs. Beale refers, was shown to Dr. Beale's leading counsel several days, if not weeks, before the trial, and an explanation of it anxiously asked for. It was known to exist by many. No explanation was offered while Dr. Beale was at liberty, and now it is not susceptible of explanation by others.

Mr. Reed desires further to say, that while he hopes no further correspondence on this painful subject will be expected, he much prefers corresponding with Mrs. Beale's counsel or male friends.

No one feels more sincerely than Mr. Reed for the situation of Mrs. Beale and her family. He regrets very much that ever, in the discharge of duty, he has been compelled to add to her sorrows.

Mrs. Beale rejoined in the following note:—

PHILADELPHIA, Dec. 26, 1854.

WM. B. REED, Esq.:—

SIR: You will excuse this note, notwithstanding an intimation in yours of this date that nothing farther from me would be agreeable to you.

You decline furnishing me a copy of my husband's letter in your possession because "no explanation" of its contents "was offered while Dr. Beale was at

liberty, and now it is not susceptible of explanation by others." Perhaps not. But this I *can* and *wish* to do, publish it entire, that the community may see exactly what it is, and form an intelligent opinion upon it. I know that the general impression in regard to that letter is entirely different from what it would be if it could be seen. Surely, you will not deny a desolate, broken-hearted wife, the favor of a *copy* of her husband's letter, if she is willing to take the responsibility of making it public. If it is as bad as has been represented, all the better, so far as you are concerned. My husband and myself should be the losers and the sufferers. Three gentlemen of high intelligence and undoubted integrity, have seen and read the letter with care. I have a copy from their *recollection*, and as it is a very short letter, it must be nearly *verbatim*. Still, an exact copy would be better.

Fancy yourself, my dear sir, in my circumstances, tossed as with a tempest, struggling for my life and the lives of eight young, helpless children, my husband cruelly and wickedly torn from me and shut up in prison; and would you not think that so *small a boon* as a *copy* of a letter, a letter which has been misrepresented, perverted, and made by lying rumor to contain admissions and confessions of guilt, which it does not, ought to be readily conceded?

I am sure, on reflection, you will change your purpose, and permit me to have a copy of that letter. If you will grant me this favor, I think I can promise I will not soon trouble you again.

A messenger will call for your answer to-morrow morning at 9 o'clock.

Respectfully,

LOUISA B. BEALE.

WM. B. REED, Esq.

A verbal message was sent by Mr. Reed, declining to furnish a copy of the letter. Being thus foiled in every effort to procure an attested copy of this famous letter, we are obliged to rely on the impressions and statements of those who were permitted to see it. The Hon. Judge Black says: "I have seen and read Dr. Beale's letter in the hands of Mr. Reed. *There is nothing in it to implicate the doctor.*"

Mr. Mitchell, on perusing the letter at Mr. Reed's office with special attention, went directly to his own, a distance of some two or three squares. Immediately he penned, *from memory*, the following, as the note in Mr. Reed's possession:—

DEAR MADAM: I regret exceedingly that you should believe that I intended to insult you. I certainly did not intend so to do, and for the sake of my wife and seven little children, I hope you will believe me, and say no more about it.

STEPHEN T. BEALE.

P. S. I shall never give ether hereafter to any person, except in the presence of a friend of the patient.

The above must be very nearly the contents of Dr. Beale's note, which, by its suppression on the ruling of the Court, did him so much injury. Judge Black's recollection of the note differs from Mr. Mitchell's *only* in one word. "Verily, how great a matter a little fire kindleth!"

Mr. Mitchell says, this note is without date and addressed to no one. If the name of the person for whom it was intended could be obtained, we *suspect a good deal of light would be thrown upon the whole affair.*

Dr. Beale said to the man who came to him with the complaint of this woman: "I understand, sir, the game she is playing. She wants to extort money. How much of it do you expect to receive?" "O, no," said he; "she don't want money. If you will write her a note, I think she will be satisfied." It was in just these circumstances that this note was written, which has been so much magnified, and so grossly perverted, and had such a powerful influence in hastening the doom of this unhappy man.

Dr. Beale has been much censured for violating the promise contained in

the above postscript, in administering ether except in the presence of a third person. He has experienced overwhelming calamities in consequence of a departure from this wise and safe rule. But it should be known that, when asked *on the day or the day after* what he meant by a declaration so positive, he replied: "I had reference to persons with whom I was not familiarly acquainted; to persons who might, from sinister purposes, take advantage of me." In regard to Miss Mudge, he had no more apprehension of danger, to use his own language, than if he was "administering ether to his own daughter."

A remarkable feature in this case from the first has been, that nine-tenths of the respectable, virtuous married women have not had the slightest confidence in the truth of the charge against Dr. Beale. They have said, in the language of the Vicar of Wakefield, "*fudge, fudge.*"

ROGUES.

Mean and mercenary influences were brought, in strong array, to bear upon this case. There were men who were resolved to fatten upon the dreadful calamity which had befallen Dr. Beale. They were willing his prison door should be opened, if they could obtain the *price* of their *disinterested* co-operation, ranging from *fifteen thousand to five thousand dollars*.

The first movement, soon after Dr. Beale's sentence, was on comparatively a small scale. A man representing himself an attorney, boarding at the American Hotel, called on Mrs. Beale, and said to her that he had it in his power to produce an affidavit, which would conclusively show that her husband was the victim of a foul conspiracy, and would procure his immediate release. He asked, for his services and trouble, the moderate sum of twenty-five dollars. Mrs. Beale was fearful that some knavery was connected with the proposal. But after appealing to his honor as a man, and saying to him she should have but two dollars left for the necessary expenses of her large family, and receiving the most solemn assurances that he would faithfully fulfil his promise, she gave him the money. It is needless to say, the whole thing was an infamous imposition.

The last effort of these miserable, human harpies, was bold, systematic, and skilfully devised. The proposition made to Mrs. Beale, through a near relative, earnestly anxious for his release, was to raise ten thousand dollars as a compensation for her husband's pardon. The paper *indicating the way to bring it about*, is without name, and without date, *but the individual is known* who lent himself as the agent for the accomplishment of this diabolical scheme. The paper reads thus:—

"In the first place, her own" (Mrs. Beale's) "friends have given up all hope. There will be no chance under Gov. Pollock. Mr. Reed has said this much."

"There is scarcely a doubt but what you could bring the proper influence to bear, if your terms are complied with—there is not a moment to lose. Let Mrs. Beale write to the Doctor immediately, and tell him what you say of the case, and what your offer is, and request him to send his answer *by the person* that takes her letter. Tell Mrs. Beale exactly where she stands, for I am more than fearful that she hears but one side of the case, and however sincere her friends may be, *they are far from being skilled in such matters*. Should Mrs. Beale be disposed to do as you wish in this matter, let her send for whoever takes her letters, and let the Doctor's answer be obtained to day if possible, if not, to-morrow. She might arrange it, I think, through Mr. Mullen."

Let an intelligent, virtuous community look at this infamous plan. A near relative of Mrs. Beale, intensely anxious for his restoration to his family

is made to believe that the only hope of such a happy consummation rests upon an immediate raising of ten thousand dollars, to be given to two gentlemen of potential influence with Gov. Bigler, who would *insure* the pardon sought.

If there is a depth of infamy beyond that practised by infamous men, it is in a stealthy, concealed, deep laid plot like this, to appeal to the fears and love of a disconsolate, heart-stricken wife, and by impressing her mind that the liberation of her husband was hopeless without paying a large sum of money, induce her, if possible, to sacrifice everything she possessed for the accomplishment of the object so dear to her heart. The man, or the men, who could thus deliberately "pile on the agony" upon a faithful wife, already staggering and sinking under her accumulated sorrows and woes, are fit for treason and stratagem, and every kind of atrocity which their master, the devil, may choose to employ them in effecting.

An interview was sought and obtained by Mr. Chambers and a friend, with this man, who was the professed agent in accomplishing this nefarious scheme. They drew from him all the facts and details of the plan, so far as they were able, when Mr. Chambers said to him: "Who are these men so ready to engage in this labor of love for ten thousand dollars? Are they fathers? Have they human sympathies? Who are they? I can conceive," said Mr. Chambers, "that men may be depraved and degraded enough to be *horse-thieves*, but infamy like this is beyond my comprehension." The man, feeling his *honor* somewhat impugned, undertook a defence of his mercenary friends. He said they were professional men, and the ten thousand dollars demanded was not a bribe, but a *professional* fee for important services rendered.

These PARDON-BROKERS, who are ready to insure "so much mercy for so much money," are worthy the thoughtful consideration of a virtuous community. They *still continue* to hover around this distressed, desolate family, like hungry vultures, and seem determined that no efforts for the relief of this suffering man shall prove successful until they shall obtain a round sum. We wish them to understand that they are quite certain to fail in the object of their grasping, unprincipled cupidity. *They will not get one dollar. Their influence is not asked.* The remission of Dr. B.'s sentence will be obtained by the presentation of truth, facts, and fair arguments, or not obtained at all. Let the old Roman, heathen as he was, rebuke these merciless sharpers:—

"Procul, O, procul, este profani."

Mrs. Beale communicated by letter to her husband the assurances, verbal and written, which had been made to her. The manner in which they were received by Dr. Beale will be best understood by his reply to the letter from his wife.

MOYAMENSING PRISON, Jan. 8th, 1855.

MY DEAR WIFE: Since your letter of this morning came, I have been reflecting upon the principles involved in the proposition made by the friend of Gov. Bigler. You know how anxious I am to get home, and yet I never can consent to do anything that is not right to get there. Now, if it is right that I should be pardoned, it is Gov. Bigler's duty to do it, but if his conscience says I ought not to be pardoned, it would be wrong in me or any other person to give him money to violate his conscience; therefore I never can consent to give one penny.

It is our duty to do all we possibly can to convince the Governor of my innocence, and of his duty to pardon, and leave the event to the Lord. I have been convinced for months, that justice and conscience are with some men like

things of merchandise, to be bought and sold to the highest bidder. Perhaps I am too stubborn in this matter, but I ask only what my conscience says I am entitled to. I have been unjustly deprived of my liberty, and I can not think it right to give money for its restoration, as it must be a matter of justice and conscience with the Governor. . . . Good night, my love, I have to close.

Your affectionate husband,
STEPHEN T. BEALE.

EXECUTIVE INTERPOSITION SOUGHT.

Gov. Bigler was visited by committees large and small, urging upon him the immediate consideration of this case, and that speedy relief which he alone could give. The first formal visit was early in December, while the Governor was in the city. The gentlemen who called upon him at the Merchants' Hotel, where he lodged, were Dr. F. A. Van Dyke, Charles B. Penrose, Esq., Dr. James Bryan, George R. Graham, Dr. Patrick, Daniel Steinmetz, A. H. Burtis, R. W. Davenport, and Rev. Messrs. Brainerd, Chambers, and Rood. The interview was protracted, and the unhappy condition of Dr. B. was urged by every consideration which the facts in the case justified.

Numerous letters from all quarters poured in upon the Governor, and yet there was on his part painful delay, whether needless or unavoidable, it is not our object to inquire. This much, however, should be said, as due to those whose frequent visits to him must have been inconvenient and annoying. If he had frankly said: "Gentlemen, it is not my purpose to meddle with the case of Dr. Beale, and you will save your time and trouble by ceasing to press it upon my consideration," all efforts would at once have been suspended, and intense anxiety, and agonizing suspense for six long weeks, would have been saved. But the Governor held out just enough encouragement to call forth untiring effort and sleepless energy, *till the last hour of the last day* of his official term brought the sad tidings that he had come to the conclusion that "he would best perform his duty by passing the case of Dr. Beale over to his successor."

PARDON ALMOST OBTAINED.

We would not speak unkindly of any man, and certainly we would not speak without due deference, of a man holding a high official position. But the truth should not be suppressed out of false delicacy to the feelings, or the exalted station of *any man*. To say nothing of numerous previous visits, Gov. Bigler was called upon in Harrisburg, on Monday, Jan. 15th, by three gentlemen in behalf of Dr. Beale. The interview was long, quite too long, if the object had been of less importance than the relief of a suffering, innocent man. In the evening, the visit was repeated, and the prospect of success was bright, cheering, and satisfactory. At the suggestion of the Governor, Mr. Secretary Black prepared a paper to accompany the pardon, briefly assigning the reasons for the interposition of executive clemency. It was read to the Governor in the presence of the three gentlemen above referred to. The Governor objected to a portion of it as being too strongly expressed. He then remarked: "Leave it till morning; I can make it out in ten minutes, if I conclude to do so. You will hear from me before 11 o'clock to-morrow."

The three gentlemen left with the strongest hope, and with nearly a full conviction that their mission would prove successful. Early on Tuesday

morning a messenger was sent to the public house where they lodged, saying the Governor desired to see them. Without any delay, they called at his residence, thinking it probable that the Governor would gratify, *but not surprise them*, by handing over the papers, wishing them all joy in having obtained the object they so earnestly sought. The interview was very brief. The Governor said: "*The pardon hangs on a hair.* I am disposed to grant it, but there is one thing into which I am inquiring, and the result of that inquiry will decide the case. You will hear from me by 11 o'clock." The three gentlemen left, so certain that they had obtained the object of their anxious solicitude that they would hardly have given one dollar to have had the pardon insured. They felt confident that the agony of suspense was over, and that Dr. Beale would that evening be in the bosom of his family. A telegraphic dispatch was arranged to be sent at 11 o'clock—the carriage to go down to the prison was to be at the depot, and the glad tidings were to make a desolate family joyful and happy. The gentlemen returned to their lodgings, and waited patiently as they could for the arrival of the papers. At 11 o'clock, a knock, and the door is instantly opened. But instead of the anticipated papers, the following note from Mr. Secretary Black, addressed to the Rev. John Chambers, was handed in:—

HARRISBURG, Jan. 16th, 1855.

DEAR SIR: You know how far the Governor had gone to comply with your wishes. Since you saw him the circumstances to which he referred have been understood, and readily brought him to the conclusion that he would best perform his duty by passing the case of Dr. Beale over to his successor. In this decision I most heartily concur.

It will be commended to the early attention of Gov. Pollock.

Yours, truly,

C. A. BLACK.

This unexpected and most remarkable turn of events, was borne with as much patience and resignation as the frailty of human nature would permit. "*You know how far the Governor had gone to comply with your wishes.*" True, indeed, that was known, and rendered the final disappointment the more strange and trying. But "*the hair*" on which the case hung; there was the mystery. What was it? Who could explain? The mystery, however, was solved sooner than was anticipated. On the evening of the same day, Mr. Secretary Black was asked, what the Governor meant by "*the hair*?" He promptly replied, "*It was a political aspect of the case.*" Mr. Black may have been mistaken. Good men, everywhere, will hope he *was* mistaken; that a higher and a holier motive led Gov. Bigler to keep this suffering man in prison.

But, be the motive what it may, Dr. Beale *was left in his cell, and is still there.* His desolate family is still left to drink, to the dregs, the bitterest cup of sorrow. The beseeching importunity of an agonized wife, and the cries of eight young, helpless children, have thus far been unavailing. How it will be in future we do not know.

The large mass of papers, embracing letters, numerous facts relating to ether cases, memorials and petitions laid before Gov. Bigler, were passed over to Gov. Pollock. The case of Dr. B. has been presented to Gov. Pollock, and while he did not feel justified in acceding *at that time* to the request for his release, we have every confidence it will finally be disposed of according to the dictates of a sound discretion, and a conscientious regard to truth and duty.

The health of Dr. Beale, at best delicate, is severely suffering by his con-

finement. We fear, greatly fear, if his release is not soon obtained, it will be fatally undermined, and that his faithful wife, and eight young children, will be left to buffet the storms of life unprotected and alone.

We have seen him but once since his sentence. The interview was brief. We need not relate the particulars. One thing we noticed, with what feelings it is unnecessary to describe. As we entered his cell, we observed the care and neatness with which his hair was adjusted. This was the only thing that could remind him "of his former self." His coarse prison garments, his pallet of straw, and the iron door with its bars and bolts, showed him where he was, but he seemed anxious to retain something about his looks that would carry him back in *momentary* imagination to those pleasant associations and scenes from which he has been torn away. If an innocent man, as we believe he is, we say, in the language of Judge Black, his case "*is an awfully hard one.*"

With this concise, *truthful* statement of the leading facts connected with this extraordinary, painful case, we commend the whole subject to the thoughtful, serious consideration of an enlightened community. We were resolved from the first, that we would not be identified with a guilty man, if honest inquiry and careful scrutiny of the outside rumors in regard to Dr. Beale could prevent such a misfortune. These rumors have been carefully inquired into, and we now most solemnly aver, that *not one of them*, in our conscientious belief, is entitled to a *grain* of credit. We say, in the emphatic language of the Rev. Albert Barnes: "If there were sufficient and clear evidence of his guilt, the sentence of the Court would be, in our judgment, too mild, and nothing in his past character, or in his present circumstances, could induce us to sign a petition for his discharge."

The Hon. Henry K. Strong, Speaker of the House of Representatives, Hon. John C. Kunkel, Col. F. K. Boas, Eli Slifer, Esq., State Treasurer, elect, W. R. Morris, Esq., Robert Carlisle, Esq., and R. M. Foust, Esq., have manifested a special interest in restoring Dr. Beale to his family, and this public acknowledgment of their kind offices is due to them, and is most cheerfully rendered by those who have been actively engaged in behalf of this suffering man.

A. ROOD,
JAMES BRYAN, M.D.,
JOHN CHAMBERS,
S. S. MOON,
THOMAS WHITE,
JAMES BERRY.

PHIL'A, March 2, 1855.

5

TRIAL AND CONVICTION

OF

DR. STEPHEN T. BEALE;

WITH THE LETTERS OF

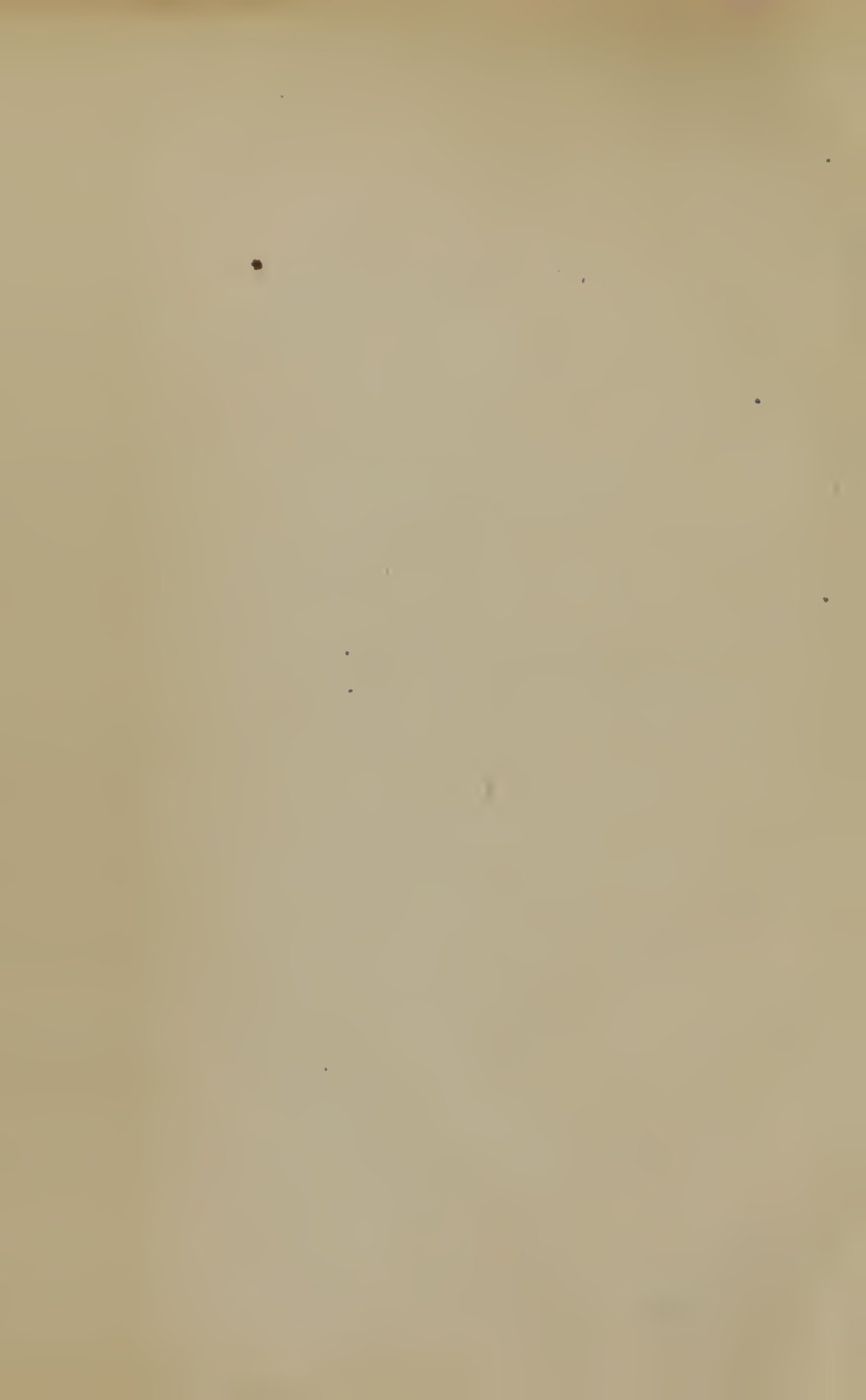
CHIEF JUSTICE LEWIS, AND JUDGES BLACK AND WOODWARD;

ALSO, LETTERS OF

PROF. GIBSON, PROF. WILTBANK, WM. BADGER, Esq.,
W. L. HIRST, Esq., REV. ALBERT BARNES,
DR. HENRY A. BOARDMAN, &c.

T. K. COLLINS, Jr., No. 8 North Sixth St. . .

15938



NATIONAL LIBRARY OF MEDICINE



NLM 02325389 2